### NEW YORK CITY

UNITED STATES DISTRICT COURT—IN BANKRUPTCY.

Important Notice to Registers.

Yesterday morning Judge Blatchford issued the bllowing notice to Registers in Bankruptcy:— The attention of Registers in Bankruptcy:—
The attention of Registers is called to the fact that eneral order No. 7 in Bankruptcy requires them, at ac close of the last examination of the bankrupt, to te all the papers in the case in the office of the Clerk the District Court. Such filing is a duty imposed in the Register, and it is irregular for him to deliver an epapers to the bankrupt or to his attorney, or to my creditor, or to any person representing either he bankrupt or a creditor. The Register should see hat the papers are so filed as soon they are in condition to be passed upon by the Judge in reference to the question of a discharge.

Petitions Filed in Bankruptcy.

Petitions Filed in Bankruptcy The following petitions were flied in bankruptcy on the 19th and 20th inst.:—Julius Barnet and Isaac sach, New York city, referred to Register Allen haa Holt, Jr., New York city, referred to Register Dwight; Sacharia Rode, New York city, referred to Register Ketchum; Benjamin J. Schoonmaker, New York city, referred to Register Williams; William H. ane, New York city, referred to Register Fitch.

UNITED STATES DISTRICT COURT. The Sherry Wine Case. Refore Indge Blatchford.

This case dragged its slow length along for another day yesterday, and goes into next week to continue

SUPREME COURT-CIRCUIT.

Before Judge Balcom.

Felix Marx vs. Joseph Rothan, Louis Reinstein ad Another.—This was an action to charge the deendants as partners with the purchase price of ods sold by the plaintiff in 1865 and delivered to ne of the defendants, to be used by him in his business as sutler of the Twenty-first United States colored regiment, stationed at Hilton Head, S. C. The plaintiff alleged and gave evidence tending to show that the defendants Rothan & Reinstein were parters with the defendant Adolph Bessie, and were to hare the profits and losses of the business.

The goods in suit were bought by the defendant The goods in suit were bought by the defendant Bessie, the sutler of the regiment, and used in the business, and, as he testified, the proceeds were received by the defendants Rothan & Reinstein. The goods were bought in the name of Bessie, he giving his individual note for them because, as he swore, the army regulations required that the business should be conducted in the name of the sutler, and he alone could be recognized and known as being interested in the business. The defendants Rothan & Reinstein denied the partnership and claimed and gave proof that the business was in fact Rothan's alone; that Bessie was merely an agent of Rothan and had no authority to buy the goods, and that the plaintiff was notified not to deliver these goods and that Bessie alone was liable to the plaintiff. The defendants Rothan & Reinstein then produced an afflavit made by Bessie at Hilton Head in 1865, wherein he swore that he bought the goods on his own individual responsibility and Rothan & Reinstein were not partners nor liable. This was met by the plaintiff showing that the other defendants caused Bessie and his father-in-law to be arrested at Hilton Head and imprisoned for an alleged fraud in the business, and this affidavit was made under duress and a promise by the defendants to procure the release of the father-in-law, whose life was endangered by sickness and imprisonment.

The jury found a verdict for the plaintiff for the full ssie, the sutler of the regiment, and used in the and imprisonment.

The jury found a verdict for the plaintiff for the full amount claimed and that the defendants were all partners in the business. Brown & Estes for plaintiff; Mr. Runkle and Mr. Quackenboss for defendants.

#### SUPER IOR COURT-SPECIAL TERM. Decisions.

Judge Robertson rendered judgment in the following cases yesterday:-

Stern vs. Feist et al .- Motion granted, without Stern vs. Sonneborg .- Motion granted, without

Stern vs. Sonneoorg.—Motion granted, without costs.

Nattlebohm vs. Tilman.—Motion granted.

Gennin vs. Baker.—Motion granted.

Roches vs. Ottendorfer.—Motion granted.

Platner vs. Byron.—Motion granted.

Tuylor et al. vs. Groome et al.—Judgment for the plaintiff; that the judgment mentioned in the complaint, as recovered by the defendant, Wallace P. Groome, be adjuged and declared paid, satisfied and discharged.

By Judge Monell.

Aaron vs. Baum et al.—Judgment for dissolving the injunction and dismissing the complaint, with-

out costs.

Stephens vs. De Couts.—Judgment for dissolving the injunction and dismissing the complaint, with

Costs.

By Judge Jones.

Pramaggiore vs. Pramaggiore,—Report confirmed and order granted.

Wiggin vs. The Horse Rider Nati Company.—Let the respective counsel appear before me to-morrow morning, March 21, at ten A. M.

# SUPERIOR COURT-TRIAL TERM-PART 2.

The Relation Between Landlord and Tenant.

Before Judge Barbour and a Jury.

Doupe vs. Gennin.—This was a suit to recover arising out of the alleged negligence of the defendant in not repairing the roof of the premises No 777 Sixth avenue. The defendant Gennin is landlord of the entire building, and rented the basement burned off the rear part of the roof of the building in question. Plaintiff then applied to defendant to put up a temporary cover and to repair the roof generally, which, as plaintiff alleges, defendant promised to do. Not having done so, however, plaintiff's upholistry goods were damaged to the amount of \$2,000, owing to the inclemency of the weather. Plaintiff claims that the conduct of the landlord was grossly negligent, and is consequently liable for the injury to his goods. He also avers that the defendant exacted the rent during the entire period of his tenantcy.

The defendant contends that he is not liable in point of law, inasmuch as the plaintiff should have quitted the premises as untenantable.

During the course of the arguments the court held, as a proposition of law, that the relation of landlord and tenant between parties did not entitle the plaintiff to recover except on the ground of negligence on the part of the defendant.

The case is still proceeding.

For plaintiff, Wakeman, Latting & Emott; for defendant, Clark & Bell. burned off the rear part of the roof of the building in

SUPERIOR COURT.

Important Stock Decision. Before Judge Monell.

Levi Gray vs. John A. Underwood & Son.— In this case the plaintiff alleged that on January 21, 1865, the defendants, who were brokers and members of the regular board, had in their hands one hun dred shares of Erie belonging to him; that Erie then falling it was agreed by the defendants that if he would sell that one hundred shares they would sell another hundred "short;" that he did sell the Erie on hand, but the defendants refused to make the "short" sale. He also claimed that the contract was an entire one, and being broken, the plaintiff was entitled to recover upon the Erie so sold the difference between the selling price and the highest price the stock reached before the trial, and to recover also the stock reached before the trial, and to recover also as damages for not seiling the stock "short," the difference between the price upon that day and the lowest price reached by the stock before the trial making together some \$4,000. The defendants denied that they had ever made any such contract, and asserted that at the time it was alleged to have been made the plaintiff's margin was entirely exhausted. The defendants' counsel also contended that even if any such contract had been made it was not gnire, and that as the stock on hand had been properly sold it could not be considered as an item of damage; also that as nothing had been paid the only damage recoverable upon a failure to sell short was the difference between the price when the order was given and the price at the time of refusal, and the ats it appeared by the plaintiff's own testimony that he knew of such refusal the same day, only nominal damages could be recovered in any event.

The court charged, as claimed by the defendant's counsel, that nominal damages were only recoverable on the contract, and that only for failure to make the short sale. Also that if the jury found the agreement between the parties was that a margin should be maintained in the hands of the defendants, they were not bound to execute any contracts after such margin was exhausted. The jury rendered a verdict for the defendants, and the court directed the exceptions to be heard in the first instance at the General Term, with a stay of proceedings. Joseph A. Weich for the plaintiff; Geo. W. Wingste for the defendants.

# COURT OF COMMON PLEAS-SPECIAL TERM.

Motion to Discharge an Order of Arrest.

Before Judge Barrett.

Perkins vs. Cooke,—This was a motion to discharge an order of arrest. The defendant was originally arrested upon the allegation that he was the agent of the plaintiff. On the trial the plaintiff failed to sustain the allegation of agency, and asked leave to withdraw it and serve an amended complaint. Leave was accordingly granted and the amended complaint was served, setting up a copartnership between plaintiff and defendant, and the latter now moved to discharge the order of arrest which had been previously granted on charge of misappropri-

ation. The court reserved decision. For plaintiff, C. Whitehead: for defendant, H. W. Johnson.

COURT OF GENERAL SESSIONS. Before Judge Russel.

SENTENCES.

John Fareny, who was convicted of grand larceny,

was sent to the State Prison for five years. Charles Presley, John Barmore and Austin L. Davis, who pleaded guilty to burglary in the third Davis, who pleaded guilty to burglary in the third degree, were each sent to the State Prison for four years and six months.

John Williams, guilty of an attempt at burglary in the third degree. State Prison for two years.

Thomas Kitchen pleaded to an attempt at larceny. State Prison for one year.

Charles Kramer and George M. Daly pleaded guilty to an attempt at grand larceny. Sent to the House of Refuge.

#### CITY INTELLIGENCE.

PUBLIC BATHS.—The near approach to the summer season has again revived the subject of the establishment of public free baths. As a sanitary easure there is no doubt of their necessity and nealthfulness, and for their early establishme only requires a move on the part of the Board of Health, whose President has on frequent occasions expressed his full approval of the measure, and of the great success of the free bath system in Boston. Six bath houses were operated in fant city last year and six additional ones are to be put up this year, which the Common Council Committee who have the matter in charge report can be conducted for the aggregate sum of \$20,000. The experiment in Boston, as a sanitary measure, has been abundantly endorsed by the press, physicians of every school, and all who have given any attention to the subject. The remarkable degree of healthfulness which has marked that city for the past two years, in a great measure, is attributed to the daily ablutions of the large number of the poorer class of inhabitants who have enjoyed the advantages of the baths. If our Metropolitan Board of Health think their powers do not go to the extent of authorizing the work to be done forthwith, now is the time to ask Legislative action in the premises. By all means let the experiment be tried. whose President has on frequent occasions

INTERNAL REVENUE .- Collector Shook yesterday seized several small lots of alcohol, the taxes on which were unpaid. The liquor was sent to this city

THE HORSE AUCTION MART.-Sales of stock were quiet yesterday. Good stock was scarce. The demand for farm and market stock was firm, and the market was tolerably full. At Mr. Vandewater's saie the following prices were realized:—A bay Hambletonian, 15½ hands high and six years old, \$650; bay horse Hamblin Allen, \$235; bay Morgan, \$425; other horses from \$200 to \$300. At Messrs, Johnston & Van Tassell's saie, East Thirteenth street, a number of bay teams, gray horses and other stock realized good average prices.

German Lloyd's steamship Hermann, Commander Wenke, carrying the United States mails, left her mooring at the Bremen pler, Hoboken, for Bremen via Southampton, with fifty cabin and sixty steerage passengers, a full cargo and \$45,000 in specie.

THE BOARD OF POLICE JUSTICES .- The regular monthly meeting of the Board of Police Justices for he annual election of officers will be held on the first Tuesday of April. A spirited contest is expected between the magistrates as to the Presidency of the Board, the candidates being Justices Dowling and Connolly. As matters stand at present the chances seem to be in favor of the former.

THE CASE OF RICHARD CONNELL.-Yesterday afternoon several witnesses in the case of James Horaho, charged with inflicting fatal violence upon Richard Connell, whose death was reported in the HERALD ard Connell, whose death was reported in the HERALD several days ago, were examined before Coroner Keenan, at the office, No. 4 Centre street. The testimony introduced was of the same purport as that previously taken. Mr. Thomas Dunphy, who appeared as counsel for the accused, cross-examined the witnesses at considerable length, after which the Coroner concluded to hold Horaho to bail in the sum of \$1,000 to await the action of the Grand Jury. The defendant, who is twenty-one years of age, a native of Ireland and lives at 272 West street, denies his gullt in the most positive manner.

Co-operation.—The regular meeting of an as tion having in view the purchase at some distant period of building lots was held last evening, at a hall in West Thirty-second street. The queshall in West Thirty-second street. The question announced for discussion was, "Can a lot be obtained by co-operation for \$150 worth \$250 or \$300?" Several members of the association addressed the meeting, picturing with great force the evils under which the workingmen in this country have, in spite of our political system, labored, and the character of the class regulation which has subjected them to inferior advantages; but it was not learned where the lot worth \$300 was to be obtained, which, in view of the recent sale of one on Fifty-seventh street for \$26,000, was a matter of some interest. This association, under the Presidency of Smith Thompson, holds frequent meetings for the discussion of this great problem of providing the workingmen with comfortables homes at reasonable terms, looking mainly to co-operation meetings for the discussion of this great problem of providing the workingmen with comfortables homes at reasonable terms, looking mainly to co-operation for the achievement of that object. That they have not succeeded yet in the accomplishment of their purpose may be ascribed rather to the difficulty of "the situation" rather than to any lack of interest, originality or earnestness on the part of the association in considering the "ways and means."

The EQUINOCTAL —All day vesterday a chill porth-

THE EQUINOCTIAL .- All day yesterday a chill northeasterly blast was blowing, to warn the citizens of the Empire City that winter and all its concomitant disagreeables were determined not to depart without The morning was hazy, damp and raw; the sun rose cheerless and with only an affectation of warmth, and first story to Doupe. On the 1st of February, and even at midday its rays were not powerful and even at midday its rays were not powerful enough to dispel the cold feeling in the atmosphere. Occasionally a gleam of bright sunshine would come out, as if in duty bound for the occasion; but the equinoctial had it all its own way, and wind and dust careened through the streets of the metropolis all day, filling the eyes of pedestrians with dust and most ungaliantly interfering with ladies' draperies in a manner which would prove Boreas a misogaomist. "March comes in like a lion and goes out like a lamb," says the old proverb; however, judging by the present year, the waning month seems inclined to keep up the lionine aspect from first to last. The weather for the past twenty-four hours has been painfully like winter and makes one dread a recurrence of our recent experiences. At ten o'clock last evening it commenced to snow and the thermometer has been gradually lowering.

Fire in Second Avenue.—About half-past eight

FIRE IN SECOND AVENUE.-About half-past eight o'clock yesterday morning a fire was discovered on the second floor of the four story brick building No. the second floor of the four story brick building No. 557 Second avenue, which was occupied by Hugh Mc-Allen as a pawn shop and dwelling. As soon as the smoke was seen issuing from the premises an alarm was given, when the engines were soon on the spot. The flames spread with great rapidity, and were not extinguished until the stock was damaged to the extent of \$35,000, which was insured in the Ruigers and Jefferson Insurance Companies for only \$10,000. The building is owned by Mr. Cohen, and was damaged to the extent of \$2,500. While the fire was in progress the greatest consternation prevailed among the tenants of the tenement houses of the vicinity, who busily engaged themselves in the pleasant occupation of packing up their worldly goods in readiness to leave their apartments in advance of the anticipated flames. The Twenty-first precinct police, under command of Captain Anthony Allaire, were present at the fire and did good service as usual.

# THE STREET CLEANING INVESTIGATION.

A Review of the Testimony of Jackson S. Schultz—A Street Inspector on the War Path—Gallant Defence of Judge Whiting. Mr. Wolf E. Ambrose, Inspector of Streets in the Eighteenth, Nineteenth and Twenty-first wards, has

addressed a communication to Judge Whiting, con-tractor for cleaning streets (which we give below), in which he reviews the testimony given by Jackson in which he reviews the testimony given by Jackson S. Schultz before the Senate Committee, and which testimony was published in full in the Herald of the 10th inst. Many of the statements made by Mr. Schultz, based on his experience while in the Board of Health, reflect severely on while in the Board of Heatin, renor sector, the manner in which the avenues of the city have been attended to. Mr. Schultz's testimony undoubtedly had great weight with the committee, and Mr. Ambrose, feeling it incumbent on him, from his presumed knowledge of the whole matter, to remove erroneous statements, has somewhat tartly, we think, but quite directly, reviewed the matter of the ex-president and ex-member of the Board of Health, and it is now for the public to say with what effect. The averments of Mr. Schultz having been generally correct, let his readers listen to what Mr. Ambrose has to say in defence of Judge Whiting's course and

Case:—

JAMES R. WHITING, ESq.:—

SIR—In compliance with your request I have reviewed the testimony of Jackson S. Schultz, Esq., as reported in the New York Herald of the 10th inst., said to have been given before the committee of the State Senate appointed to investigate as to the condition of the streets of this city. As there reported it appears that Mr. Schultz gives his views, as professedly based on his experience and observation while a member of the Board of Health, relative to the question of street cleaning in its various aspects as then entertained by the committee. Now, sir, I am unwilling that the representations of that gentleman to the committee, howsoever plausible they may seem to the uninitiated, or even to the committee itself, should be allowed to pass without correction, particularly as his previous official position would naturally influence the reccommendations which those gentle-

men may make to the Legislature. And I am prepared to say, and do boidly and truthfully affirm, after a careful perusal of his testimony, that his statements, viewed in the light of practical experience, are worthy of very little weight either in or out of the halis of legislation. And this I will now proceed to show. For the sake, however, of candor and fairness I frankly admit that he was correct when he testified that the streets cleaned by private contract at the expense of the householders are thoroughly and completely cleaned, but I must add that of all his testimony made before the committee that alone was wholly free from error. And there is good reason why these favored sections of the city, swept in part at private cost, should be adjudged as thoroughly and completely cleaned. For, firstly, it is notorious that the inhabitants of these locations by habit, by preference and by painstaking are lovers of cleanliness; and secondly, which is the chief reason, in addition to the weekly sweeping by your employes those sections of streets are daily swept at private cost.

Now let us make Mr. Schuitz his own judge in this matter. Has he not decisively settled, so far as his authority is worth anything, what is to be considered a thorough cleaning of the streets? Speaking of those locations that are swept daily at the cost of the householders he says:—"And the condition of those streets and those for the cleaning of which Mr. Whiting contracts is seen in this, that the private streets are thoroughly cleaned and the others are not." Well, sir, may you allow Mr. Schultz to judge between yourself and the public, according to his own, statement, that those streets are only thoroughly cleaned which, in addition to their being swept weekly by your employes, are also swept daily at private cost. Now, this standard of thorough and perfect work which he adopts, and which is only attained by sevenfold labor and cost, he is pleased in his consistency to demand shall be your rule, who have agreed to sweep the streets but o

condemns himself by absurdly claiming that your work, though equal to the contract, shall be as complete as if your pay were sevenfold greater than it is.

As to the cost of public and private sweeping: In his testimony before the committee he says;—"I do not hesitate to say that half as much is paid by private individuals to keep a certain portion of the city clean as is paid by the contractor, Mr. Whiting, for the work he has done." From a thorough acquaintance with the business of private street sweeping in this city I do not hesitate to say that there is no proof of his having made any adequate investigation of the subject, or if he did that both his creduitty and inexperience were very much imposed upon. The area swept by private contract is one-sixtleth of the whole streets of the city, and confessedly the wealthlest and cleanest portions.

Now let me particuldrize somewhat. The whole amount paid for private sweeping in this city does not exceed \$25,000 annually; add to this \$25,000 more, and we have the sum total \$(50,000) which Mr. Schuitz says we pay for all the work performed by you under your contract. According to the same high authority the private sweeping costs one-half as much as you pay for work done; therefore, since you spend only \$65,000 per annum, your profits must be \$450,000. For this highly original mode of solving the question of your gains the thanks of the whole community are justly due to Mr. Schuitz.

I presume, sir, that \$\text{Dur Gequaintance with the stern realities of your position will save you from being overpowered by an illusion so pleasing. But even your critic, after all his assurance, very much to your pocuniary disadvantage, eisewhere is found declaring, after very extensive and patient investigation, he had made up his mind, from all the infor-

to your pecuniary disadvantage, eisewhere is foun-declaring, after very extensive and patient investi-gation, he had made up his mind, from all the infor-

to your pecuniary disadvantage, eisewhere is found declaring, after very extensive and patient investigation, he had made up his mind, from all the information he could gather, you are annually making \$140,000 or \$150,000 net profit. It will not, certainly, require much acumen or consideration on the part of the committee or the public to determine what degree of confidence should be reposed in testimony so consistently rendered.

In reply to another question of the committee we find Mr. Schultz going out of his way, as he repeatedly and designedly did in the course of his testimony, to give it as his impression that a less sum than is now expended, or not a greater one certainly, will clean the streets thoroughly. But I will here refer for a moment to the perfect standard for street cleaning which that gentleman has given us. According to that he deciares that the whole city ought to be swept for a cost less than one-third of what he distinctly avers is paid by private parties, in addition to the work performed under your contract, in order to secure that degree of cleanliness which he demands. In other words, since it costs \$25,000 to sweep one-sixticth part of the city, that being the proportion now sweep by private enterprise, it will cost \$1,500,000 to merely sweep the whole paved area according to the normal standard which he has introduced. But according to the most reliable statistics, derived from general usage, it costs to remove the sweepings, ashes and garbage two-thirds more than it does to do the sweeping; so that, according to the ideal of Mr. Schultz, instead of its costing \$500,000 per annum for street cleaning he would have the people taxed \$4,500,000 in order to an equitable compensation for the same work. Surely the committee must feel exceedingly grateful to Mr. Schultz for his comprehensive, luminous and consistent unfolding of his ideas in regard to the matter which the committee have been sent to investigate.

In view of the foregoing inconsistent statements of Mr. Schultz for his compre

extravagant representations as to the working of the department.

Aside from certain spasmodic complaints sure to be elicited by the inevitable obstructions occasioned by the prevalence of large quantities of snow and ice in the streets, I believe that Mr. Schultz is the only man who has undertaken seriously to impeach the efficiency of your management. But doubtless if that gentleman should ever be installed in your place a most surprising revolution would soon be wrought. His generous offers would induce not only the usual type of the manual laborer to join the rank of the street cleaners, but skilled mechanics would take up the hoe, the broom and the shovel, and express companies, ice companies and safe companies would be wholly unable to procure horses at all adequate to their purposes.

J. WOLFE AMBROSE,

J. WOLFE AMBROSE, Inspector Eighteenth, Nineteenth and Twenty-fir

A STATE OF THE PARTY OF BROOKLYN CITY. THE COURTS.

UNITED STATES CIRCUIT COURT—EASTERN DISTRICT.

The \$600,000 Whiskey Frauds-Sentence o John Devlin. Before Judge Benedict.

At the opening of this court yesterday noon the ssistant District Attorney, Mr. Allen, moved sentence in the case of John Devlin. Mr. Allen proceeded to indicate the statute under which the indictment against the prisoner had been found. He said that the first count was based upon section 73, act of June 30, 1864, as amended by the act of July, 1866, which provides that any person

found. He said that the first count was based upon section 73, act of June 30, 1864, as amended by the act of July, 1866, which provides that any person who carried on any business or profession for which the law imposed a special tax without paying the special tax was subject to imprisonment for a term of two years and a fine of \$500 or both. The second count was based upon section 73, act of June 30, 1864, and also section 79, which provided a penalty of two years' imprisonment and \$500 fine for anyone who should carry on a business for which a license, The third count was based upon section seventy-nine, act of July, 1866, which provided that every rectifyer should enter in a book, kept for that purpose, the number of galloms of spirits manufactured. In case of a failure to do this the offender was liable to imprisonment for one year and a fine of \$500.

Devlin was then arrangend for sentence, and in reply to a question of the court as to whether he had anything to say why sentence should not be pussed upon him he said he had not.

ITHE SENTENCE.

In passing the sentence the Judge said:—The offences charged against you are not trivial in their character. The words of the statute creating them indicate our intention on the part of law makers that they should not be considered trevial. They are punishable—the first one by two years, imprisonment and a fine of \$500 or both; the second by an imprisonment of two years and a fine of \$500, making in all five years, imprisonment and a fine of \$500 fine. The government has fixed that penalty as a proper punishment for those offences. The punishment shows that they are not trivial. You have been found guilty of committing all these offences, and the conviction, in the judgment of the court, is correct. I have listened to the statement of counsel in your behalf, and have examined the affidavits presented. Looking, then, at the offences of which you have been found guilty. I find them grave in character as indicated in the statute, and at the word of the punishment for

offence may not be repeated, and that you and the community may know that no man can disregard this law and escape punishment. I do not, however, intend to accumulate penalties upon you, trusting that the indiction of the highest penalty prescribed by any one of these sections will be sufficient punishment for the offence in question. The sentence of the court, therefore, is that you be fined \$500 and imprisoned for two years, the sentence to be executed in the Albany Penitentiary. Devlin was no doubt prepared for the sentence, though, like the majority of prisoners convicted of grave oriences, hoping that the penalty to be meted out might be considerably lower than that provided for the ofence. Had it been merely a fine Devlin would have produced the amount required and walked out of court with an unaffected air, but when the Judge added to the fine an imprisonment in the Albany Penitentiary for a term of two years he looked for a moment as if all hope had departed. He was remanded to the custody of one of the United States Marshals, and will be removed to his place of confinement immediately.

#### SURROGATE'S COURT.

nt immediately.

In the Estate of Hughes, Deceased.—This is an ap-lication by Mr. Alfred Kendal, representing the heirs of Thomas Hughes, deceased, calling upon the firm of Hirxtail & Sears, merchants, to account for firm of Hirxtail & Sears, merchants, to account for the sum of \$40,000 deposited with them by the deceased in April, 1664. The intestate, after he had placed this sum in their hands in New York went to Arkansas and died there very 'suddenly. The case presents some very extraordinary facts. Edwin James, counsel for the heirs, attended to examine Mr. Sears as to the claims made upon the estate, claiming a large balance to be due to them. After some discussion the case was adjourned to Friday next.

next.

Edwin James and F. Byrne for the applicants; G.
T. Jenks, for the administrator.

CIRCUIT COUT.—Nos. 221, 222, 223, 224, 225, 226, 227, 229, 230, 231, 232, 234 to 239 inclusive, 241, 243, 244, 114, 145.

### BROOKLYN INTELLIGENCE.

COUNTERPEIT NATIONAL BANK BILLS .- A man who refused to give his name was yesterday arrested by officer Walsh, of the Forty-fifth precinct, and locked up to answer a charge of attempting to pass a coun terfeit \$10 bill on the Marine National Bank of New terfeit \$10 bill on the Marine National Bank of New York at the store 268 Grand street, E. D. The accused, who is about fifty years of age, had \$10 in good money in his possession when taken to the Fourth street station house, but no other bogus money than the \$10 mentioned was found upon him. He asserts that he got the bill from a canaller, and did not know it was bogus when he offered to pass it. He will be arraigned before the United States Commissioner for the Eastern district of New York to-day.

Sudden Dearn of an Old Citizen.—Mr. John

SUDDEN DEATH OF AN OLD CITIZEN .- Mr. John Cocks, one of the oldest residents of the Eastern dis trict, died suddenly yesterday morning at his resi-dence in Eighth street.

A SCHOOL BOY KILLED .- A boy named Charles Madigan, about twelve years of age, a pupil a public school No. 25, in Walworth street, near Myrtle avenue, was fatally injured about noon yesterday, avenue, was fatally injured about noon yesterday, and died last night at the residence of his parents, Throop avenue, near stockton street. It appears that the deceased when leaving school at recess indulged in the dangerous custom among boys of slicing on the banisters, and losing his hold fell over, failing from the third story to the first, a distance of about forty feet. The unfortunate boy struck on the back part of his head, producing a concussion of the brain, which resulted in death as above stated.

ACCIDENTS.—Daniel Dadey, while engaged in holsting cargo from the hold of the brig Coriia, lying at Woodruff & Jackson's wharf, had his ley broken

at Woodruff & Jackson's wharf, had his leg broken by the fall of a barrel of molasses, which was being raised to the upper deck. He resides at 31 Roosevell

raised to the upper deck. He resides at 31 Roosevelt street, New York. The injured man was removed to the Collège Hospital, Henry street, for surgical aid.

Officer Charles P. Aldrich, of the Forty-second precinct, was severely injured on Thursday morning last by falling down an area way while stepping over, as he supposed, on the steps which should span the entrance to a building on Adams street, the door of which the policeman was about to examine, when he was precipitated down into the area, a height of eight feet. His recovery is considered doubtful. The steps had been removed through the carelessness of some of the employés of the place, and, it being dark at the time, the officer was unable to discover this fact.

#### THE LONG ISLAND RAILROAD DISASTER.

statement of An Eye Witness-Wretched Condition of the Road-Rotten Crossties Coroner's Investigation.

Hospital, Coroner Rollins empanelled al jury to in-quire into the cause of the death of Oscar Lobdell, who on the afternoon of the 18th inst. was taken from the Long Island Railroad depot at Hunter's Point to the hospital, his legs crushed, his abdomen injured and his mouth and jaw cut and bruised in a fearful manner.

Preliminary to giving the reader the material points in the evidence taken yesterday afternoon, it is, perhaps, proper in this place that the following facts should be given as they were received from the father of the deceased and a news vender, Patrick McGovern—an intelligent boy who was on the cars at the time of the accident:-

"The train," said McGovern, "left the depot at Hunter's Point about fifteen, minutes to four o'clock on Wednesday afternoon, eastward bound. There were one hundred and fifteen passengers on board, and shortly after we had started, that is, when we had proceeded a distance of about two miles and a half, Oscar left the smoking car and was on the platform, about to enter the first passenger car where I was, when, without the slightest warning, the cars struck each other, the platforms overlapping and tearing apart violently, and in this place Oscar was subsequently found, apparently on his knees, quite inscussible, and his right check resting in the paim of his right hand. The cause," continued McGovern, "was the rotten condition in which the crosstics, at the curve where the accident happened, are. The engine, striking against the rail, forced it—the tie or ties to which it is fastened being unsound—to move out of its place—that is, the track spread, and hence the trouble. Passengers examined the crosstics and declared them rotten. One gentleman took his knife out of his pocket, and, opening one of its blades, plunged it frequently and with ease into the wood to which the rail had been fastened. I heard these people say that the company did not pay proper attention to the road; that they were negligent, indifferent to the lives of passengers, and that the crosstics were so rotten that it was not safe to run trains on them. Those who had charge of the train were blamelisss. They are cautious men. The wood was so rotten that the spikes which had been driven into them had, by the jarring of the wheels, worked out. If the crossties were sound and the road properly inspected, as it ought to be, the accident could not have happened. If the spikes had worked up a little and the tumber sound they ower and came out when the wheels of the locomotive struck the track, thus drawing them out isn't clear that there was nothing to hold the rist the accident between the wood out, and the wheels of the locomotive struck the track, thus drawing them out isn't clear that there was nothing to hold the rist passenger car and injured. He was taken to the nospital. I was knocked down, but not hurt. When we were taking Oscar across the ferry he came to his senses and recognizing me said, "Pat, Pm going, goodbye tell mother, when you see her, that I hope to meet her in a better world," He didn't say anything to me after that. He dided about nine o'clock,"

The father o

not the engine; undoubtedly the settling of the crossites had caused the spikes in the chair to loosen; the chair is usually fastened by three spikes, two on the outside and one on the inside; these were loosened by the striking of the wheels of the locatotive, causing the road to spread; this is not uncommon in the spring when the frost is coming out of the ground; some of the timber of the crossite was decayed, but the accident took place on a curve in a cut; had it been on a straight line it would not have happened; on a curve the greatest pressure is on the inside rall; nothing but the engine tipped over; the last cardid not leave the track; the ends of the platforms were broken—nothing else; the platforms on which the deceased stood were the ones that were smashed; twelve regular trains go over this portion of the track daily, besides extra trains, passenger and freight; have a roadmaster; it is this oilicer's duty to inspect the road its whole distance; the roadmaster and assistant go over the road once or twice a week; it is his duty to see that the road is kept in repair.

Walter C. Lobdell sworn—leside at 402 West Forty-second street; I am father of the deceased, Oscar Lobdell; my son was employed in carrying papers to the Long Island depot for the salesmen on the train; the boy whose duty it was to go on the train; the boy whose duty it was to go on the train being sick the deceased was asked to take the sick boy's place on that train; he had a dread of going on trains; been in employ of Mr. Shears, newspaper agent, about three years; did not see thin until to-day; heard of the accident on the night of the afternoon that it occurred.

Michael kyan sworn—is conductor on the Long Island Raifroad; have been four years on the road; left depot at 3:34 on the afternoon of the 18th inst. (Wednesday) on express train (Yaphank); at the time of the accident i was in rear car; this oecurred about two and a half miles out from Hunter's Point; I was thrown suddenly on my back while in the act of taking up tickets;

around; gave him in charge of a physician who was on the train; on the superintendent of the road arriving at the scene of the disaster, he took charge of the boy, and conveyed him to Hunter's Point depot; did not examine the rail thoroughly; was busily engaged in sending out flags to warn approaching trains; the curve where the accident occurred is pretty sharp; the rail was only in part shifted out of place—about an inch; beyond this the track was torn up; this spreading caused the wheel to ride the other rail; the track was torn from where the rail was displaced about twenty-live feet; the spikes in the chair were doubtless loosened and drawn by the frost and the settling of the ground; the spike was drawn up about two inches; the crosstics are sound at this place; last summer the rails and ties were renewed; the outer edge of the tie was decayed a little; where the rail was tied the timber was sound; I do not consider the road just now in good condition; it is safe to run at a moderate rate of speed at this season of the year; where the accident occurred the ground is soft and loamy; the road is inspected by trackmen before and after every train; the road is divided into sections and closely surveyed in advance of every train.

Andrew J. Higek sworn—Live all Jamatca, L. I., have been brakeman on the road very nearly two years; at the time of the accident was at the brake on the rear car; I felt the shock and supposing the engineer had shut off, I put down the brake and looked out to see what was the matter; was not near where the boy was; do not know anything of the condition of the track or the cause of the accident; did not examine the displaced rail.

The Coroner here remarked that he would adjourn further investigation until Wednesday next, at ten o'clock in the morning. A number of persons living on the line of the road, he added, were desirous of giving their testimony, and as doubtless facts that the public ought to know were in their possession, he did not feel justified in cutting off testimony and on the train; on the superintendent of the road ar-riving at the scene of the disaster, he took charge of

could not have occurred.

### POLITICAL INTELLIGENCE.

THE CAMPAIGN IN CONNECTICUT.

SPECIAL CORRESPONDENCE OF THE HERALD. Hartiord and the North of Connecticut-Main

Democratic Argument of the Campaign— The Copperhead Conservative Compact— The Presidential Question Squared. HARTFORD, March 20, 1868.
In the upper part of the State, Hartford and the

vicinity the campaign is just at its height, Hartford having had its great mass meeting of the season with the usual blare of brass and ebullitions of democratic enthusiasm. Senator Doolittle, having finished with the campaign in New Hampshire, has taken up the battle axe in favor of the democracy of Connecticut. The main argument of the Senator, and the representative argument of the campaign, has been thus far the unconstitutionality of the measures of Congress, especially so far as they relate to the solution of the problem of reconstruction. The Presidential question—I mean the action of Congress in relation to President Johnson—is altogether ignored by the speakers of the campaign, in accordan the seemingly settled campaign policy of the democracy. The contest cannot, therefore, even should the racy. The contest cannot, therefore, even should the democracy succeed, be interpreted as especially disapproving of the present action of Congress as far as it affects President Johnson—that issue having been hardly mentioned in the course of the campaign. The causes which principally operate in favor of the democracy are based upon the present condition of the manufacturing interests of the State and the attributing of that condition to the republican negro suffrage and financial policy; and it must be confessed that these causes are made the most of by democratic orators. The copperhead faction has not been permitted to hold any leading position in the conduct of the campaign, though this is a mere ruse to exchange an element of unpopularity; and the faction in question really controls the party, as will be manifested more particularly when the question of the Presidential candidate for 1869 arises and begins to be seriously canvassed. In the dangers of the present campaign, rather than lose, the democratic leaders would submit to endorse a candidate with a popular record. A sort of tacit bargain seems to exist between the copperhead faction and the democracy proper that the prospects of any copperhead candidate shall not be hazarded by any campaign committing of the party to a candidate with a national record. To this point, however, the opposition is likely to be driven by the tremendous popularity of General Grant, whose name is accepted by the republicans for Presidential candidate as a matter of course, and thus some good to the conservatives may come out of that which under other circumstances would be very unfortunate.

Tacit compact to the contrary, notwithstanding, therefore it cannot be denied but that the democratic party may be forced to play off a popular name against that of Grant, which is the great surength of the republicans for the campaign in New Hampshire has been saved to the republicans, and they are sanguine of saving Connectical by the same means. It must be added, furthermore, that t ocracy succeed, be interpreted as especially disapproving of the present action of Congress as far

Farragut and the Sailors. BRIDGEPORT, Conn., March 18, 1868.
TO THE EDITOR OF THE HERALD:—

We have with great pleasure and entire satisfac tion observed in your valuable paper that you advocate and approve of Admiral Farragut being the cate and approve of Admiral Farragut being the democratic candidate for President. You could have made no better choice. He is just the very man with whom on our ticket we can make a clean sweep throughout almost all the States of the Union, and defeat Grant or any other radical candidate. Now, as we sincerely hope that the democrats will give "old Farragut" the nomination, with United States Senator James R. Dooittie, of Wisconsin, on the ticket as Vice President, we predict certain success.

JACK TARS.

THE CAMPAIGN IN LOUISIANA.

SPECIAL CORRESPONDENCE OF THE HERALD. Preparations for the Election Under the Com-

stitution—Two Radical Sintes, and a Pretty Quarrel—The Constitution Imperilled by Its Framers—Impeachment Travestied in Loui-

There is sore trouble in the radical camp—such a falling out among the politicians that honest men have almost plucked up courage to look out for their own. The republican party in Louisiana is broken up into two hostile factions, as distinct and as bitterly hostile as Thad Stevens and President Johnson. The split commenced long ago, and developed fully when Mansfield bought up the Republican and sold out Chase and the niggers. It has reached such a pass now that the coming election under the Convention will be as curious and instructive a fight as any in history, since those early days when first and second murderer slaughtered each other while the

babes they fought about died of blackberries and starvation in the wood. The "carpet-baggers" began it. Under this ex-

pressive term it pleases the old residents—Union men and rebels—to include all the needy adventurers who came South under the wing of Banks Butler and the Freedmen's Bureau, or as corre-spondents of radical newspapers North, who have ince squatted here and divided among them all profitable city and State appointments. The "carpet-baggers" began it. For five years they had had it all their own way and each successive act of Congress added more power to their elbows. The Union men of the State, the men who suffered and fought for their principles, found them selves in the position of unsophisticated hedge spar-rows who had taken cuckoos into their confidence. Thrust out of the nest and left to shiver featherless in the cold, they have at last raised the standard of revolt and are making a vigorous fight of it. War moth is the gubernatorial candidate of the carpet baggers; Rev. T. B. Conway and R. I. Cromwell are among the ablest and most in-fluential of his backers. Judge Taliaferro is the chosen of the resident republicans and white men. His bottleholders include ex-Gov

ernor Weis, Pittin, Page and Mansfield. Taliaferro, as president of the late convention, has a standing among the blacks, many of whom have deserted to his standard. His sturdy independence and unimperation of the even extances meaning the house of the even extances meaning the ex-rebel influence into his scale, on the principle of choosing the least of two evils.

Into the contest also came the Commanding General and the new Governor with the most destructive weapon of all—the revision of the new registration lists. As has been more than once stated in the Herata, among the suffraged clicus to whose entitlution for the State has been committed the suffraged clicus to whose entitlution for the State has been committed to twenty. Sheridan, by his registration orders, excluded every white man who had held anything that could be construed into a public office under the Confederacy, down to the exclusion of the Confederacy, down to the exclusion of the meaning of the Reconstruction acts, and he lays down that the mere assertion of a man's having been engaged in rebellion is not sufficient to disqualify him from registering, provided he can take the oath; the fact must be proved to the registrars. These provisions and the exclusion of illegally registered voters open the door to a wide many that the control of the control of

of the convention. Article 13 was hurriedly passed under the operation of the previous question, which prevented all amendments, so that, with a view of testing the sincerity of delegates who disclaim the intention of forcing social equality, I offered the following provise to all article No. 14:—Provided Nothing contained in article 13 shall be construed to give greater rights to any persons, of whatever race or color, than are now possessed by persons of the white race. This provise was almost unanimously voted down. Thus the colored delegates declared positively and emphatically that they were not satisfied for themselves with the rights now possessed by white men."

Denounced by its own framers, imperilled by the revision of the registration laws, and still further menaced by the divisions in the radical camp, the Louisiana constitution stands a fair chance of going under. Its atroctices are so fagrant that some of the leading republicans of the State are plotting against. But in this age of reconstruction nothing is impossible, and by the aid of Congress and the grace of General Grant the middle of April may see the constitution adopted.

# THE STAGE ABROAD.

On the night of the five hundredth representation of "Guillaume Tell," Rossini abandoned his profits to the benefit of the pension list of the opera. He has also sent to each member of the company his carte de visite, with the following inscription:—"A. M. —. A l'occasion de la cinq-centième représentation de "Guillaume Tell," souvenir reconnaissant. G. ROSSINI."

Mile. Augustine Brohan, of the Comédie, a clever

Mile. Augustine Brohan, of the Comédie, a clever actress, sister of the more renowned Madeline Brohan, has just obtained a pension of 6,400 francs for twenty-seven years of consecutive service at the theatre. Augustine Brohan was born in Paris on the of 2d December, 1824, and became a member of the company at the National theatre while still in her sixteenth year.

Music and Fenianism seem to contest the paim in "that beautiful city called Cork." Music however, is in the ascendant, and the selection from Rossini's "Stabat Maier." which formed the staple of Mr. Nagie's concert at the Athenaeum on the 19th, is pronounced by the Cork Examiner a great success. The singers were Miss Blanche Cole, Miss Zerbini, Mr. Parkinson and Mr. Sullivan.

On the gross receipts of the provincial theatres in

pronounced by the Cork Ezaminer a great success. The singers were Miss Blanche Cole, Miss Zerbini, Mr. Parkinson and Mr. Sullivan.

On the gross receipts of the provincial theatres in France six per cent is levied for authors' rights, to be divided among them in proportion to the number of acts in each piece. When the "Lion Amoureux" of Pansard was performed in the country that percentage was raised by the writer to eight for his work alone. This exaction, which excited just but sterile complaints on the part of the directors, has just been imitated by the author of "Paul Forestler," M. Emile Augler, who demands eight per cent of the gross receipts from the managers who wish to play his piece. As the drama is too short to occupy the whole evening, this demand will raise the total payment from six per cent to ten or twelve.

"Le Premier Jour de Bonheur," Auber's new opera, is now rendering the Opera Comique the most fashionable house in Parts. It is certainly a remarkable composition. It has all the freshness of youth. "Fra Diavolo" has not a clearer stream of melody; "La Muctte de Portiel" is not more dramatic. Like many of Auber's operas, the overture contains the elements of lasting popularity. The principal motive of this is the song of the Djinns, which Djelma sings in the second act. Many of the most sprightly and forcible passages of the opera are introduced in the overture. The opening chorus is a bright and lively composition, not unlike the famous "Fisherman's Chorus."

The exaggerated fashion in which Spanish audiences testify esteem has often been remarked. Recently Mile, Spezia came in for a share of these compliments after a performance of "Il Barbere." The bondiciatre was overwhelmed with nosegnys and verses, while doves were let loose to great ber. But the admiration of the public did not stop here. It took a more substantial form in the shape of presents. Among them may be mentioned a gold crown with dowers of emeralds and rubles: an ornament of brilliants and pearly; another of brilliants and p